

Appl. No. 09/597,742  
Amdt. Dated May 30, 2004  
Reply to OA of December 30, 2003

### **REMARKS**

In the Office Action, the Examiner noted that Claims 1-130 are pending in the application, and that Claims 1-20, 40-127 and 129 are withdrawn from consideration. In addition, the Examiner noted that Claims 21-39, 128 and 130 are rejected. By this Supplemental Amendment, Claims 21, 128 and 130 have been amended. This, Claims 21-39, 128 and 130 are pending in the application. The Examiner's rejections are traversed below.

#### **Rejection Under 35 USC § 101**

Claims 21, 128 and 130 are rejected under 35 USC §101 as not being tied to any technological art. Applicant has clarified that the method of the present invention as recited, for example, in Claims 21, 128 and 130, are directed to a computer implemented process. Accordingly, the Applicant disagrees that Claims 21, 128 and 130 are not statutory subject matter. In addition, the Examiner's citation of a non-precedential Board of Patent Appeals and Interference Decision, i.e., ex-parte Bowman, is not appreciated. Accordingly, Applicant respectfully submits that in fact Claims 21, 128 and 130 are directed to statutory subject matter. Withdrawal of this rejection as respectfully requested.

In addition, Applicant has further amended the claims in this Supplemental Amendment to recite the use of the computer in the body of the claims.

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With respect to dependent claims 22, 23, 25, 26, 29-37 and 39, Applicant cannot tell whether the Examiner has in fact rejected these claims.

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## CONCLUSION

Applicant respectfully submits that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicant does not concede that the cited prior art shows any of the elements recited in the claims. However, Applicant has provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicant strongly emphasizes that one reviewing the prosecution history should not interpret any of the examples Applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicant asserts that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable. Applicant has emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, Applicant does not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, Applicant is providing examples of why the claims described above are distinguishable over the cited prior art.

Applicant wishes to clarify for the record, if necessary, that the claims have been amended to expedite prosecution. Moreover, Applicant reserves the right to pursue the original subject matter recited in the present claims in a continuation application.

Any narrowing amendments made to the claims in the present Amendment are not to be construed as a surrender of any subject matter between the original claims and the present claims; rather merely Applicant's best attempt at providing one or more definitions of what the Applicant believes to be suitable patent protection. In addition, the present claims provide the

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intended scope of protection that Applicant is seeking for this application. Therefore, no estoppel should be presumed, and Applicant's claims are intended to include a scope of protection under the Doctrine of Equivalents.

For all the reasons advanced above, Applicant respectfully submits that the rejections have been overcome and should be withdrawn.

For all the reasons advanced above, Applicant respectfully submits that the Application is in condition for allowance, and that such action is earnestly solicited.

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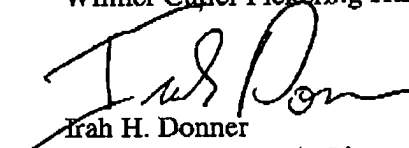
### AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment, or credit any overpayment to Deposit Account No. 08-0219

In the event that an Extension of Time is required, or which may be required in addition to that requested in a petition for an Extension of Time, the Commissioner is requested to grant a petition for that Extension of Time which is required to make this response timely and is hereby authorized to charge any fee for such an Extension of Time or credit any overpayment for an Extension of Time to Deposit Account No. 08-0219.

Respectfully submitted,

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